Amendments to the Drawings:

The attached replacement sheets of drawings includes changes to FIGS. 5A, 5B, 6A, 7C, 8B, and 8C and replaces the original sheets including FIGS. 5A, 5B, 6A, 6B, 7A, 7B, 7C, 8A, 8B, and 8C.

In FIG. 5A, reference character 152 has been deleted.

In FIG. 5B, reference character 152 has been deleted.

In FIG. 6A, reference character 182 has been deleted.

In FIG. 7C, reference character 216 has been deleted.

In FIG. 8B, reference character 307 has been deleted.

In FIG. 8C, reference characters 216 and 307 have been deleted, and reference character 318 has been changed to 310.

Attachments following last page of this Amendment:

Replacement Sheets (4 pages)

REMARKS

In response to the Office Action mailed November 28, 2006, Applicant amended claims 1-3, 5, 10, 11, 14, 16, and 18 and canceled claims 6, 7, 17, and 19. In addition, Applicant amended the abstract, certain figures, and certain portions of the specification. Applicant acknowledges that claims 1-19 and 44-45 were previously elected, and that claims 20-43 were previously withdrawn. Claims 1-5, 8-16, 18, 44, and 45 are presented for examination.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). In view of the amendments made to the figures, specification, and claims, Applicant requests reconsideration and withdrawal of the objections to the drawings.

Claims 4, 8-19, 44, and 45 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner contended that the term "about" is a relative term that renders the above-noted claims indefinite. However, the fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph. Seattle Box Co. v. Industrial Crating & Packaging, Inc., 731 F.2d 818, 826 (Fed. Cir. 1984). In Ex parte Eastwood, for example, the Board of Patent Appeals and Interferences, stated that the term "about" used to define the area of the lower end of a mold as between 25 and about 45 percent of the mold entrance was clear, but flexible. Ex parte Eastwood, 163 USPQ 316, 317 (Bd. App. 1968). In Ex parte Eastwood, the Board of Patent Appeals and Interferences further explained that claims were not invalid under 35 U.S.C. § 112, where a person of ordinary skill in the art would understand what is claimed when the claim is read in light of the specification. Id.; see also MPEP § 2173.05(b). A person of ordinary skill in the art, after reading Applicant's specification (e.g., p. 6, line 21 – p. 7, line 6; p. 8, line 14 – p. 9, line 8), would understand what is claimed in claims 4, 8-19, 44, and 45. Therefore, Applicant requests reconsideration and withdrawal of this rejection.

Claims 1-4, 6-15, and 17-19 were rejected as being either anticipated by Loeffler (U.S. Patent No. 5,891,154) under 35 U.S.C. § 102(b) or as being unpatentable over Loeffler under 35 U.S.C. § 103(a). As noted above, claims 6, 7, 17, and 19 were canceled. Claims 1-4, 8-15, and

18 cover implantable medical endoprosthesis delivery systems that include a self-expanding implantable medical endoprosthesis disposed between a catheter and a sheath. Loeffler does not disclose or suggest a self-expanding implantable medical endoprosthesis disposed between a catheter and a sheath. Rather, Loeffler is directed to balloon catheters that are used to deliver balloon expandable stents. (See, e.g., Loeffler, col. 8, lines 44-50; Figure 1).

In view of the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejection of claims 1-4, 6-15, and 17-19.

Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Loeffler in view of Wilson (U.S. Patent No. 6,425,898). As discussed above, Loeffler fails to disclose or suggest a self-expanding implantable medical endoprosthesis disposed between a catheter and a sheath, as required by claims 5 and 16. Wilson describes a self-expanding stent delivery system, but Wilson does not disclose or suggest such a system that includes a sheath with at least one orifice between the distal end of the sheath and a location in the sheath adjacent a proximal end of a self-expanding implantable medical endoprosthesis that is disposed between a catheter and the sheath, as required by claim 5, or a sheath that has at least one orifice that is at most about 100 millimeters from the distal end of the sheath, as required by claim 16. Nor would a person of ordinary skill in the art have been motivated to combine Loeffler and Wilson in a manner to achieve Applicant's claimed systems.

As discussed above, Loeffler is directed to balloon expandable stent delivery systems. (See, e.g., Loeffler, col. 8, lines 44-50; Figure 1). Wilson, in contrast, is directed to self-expanding stent delivery systems and explicitly discourages the use of balloon-expandable stents. (See, e.g., Wilson, col. 1, lines 58-66). For example, Wilson notes that balloon-expandable stents are impractical for use in some vessels such as the carotid artery, where a balloon-expandable stent exposes a patient to potentially severe injury. (See, e.g., id.). Thus, a person of ordinary skill in the art would not have been motivated to combine the teachings of Loeffler and Wilson.

Moreover, even if a person of ordinary skill in the art were motivated to combine the teachings of Loeffler and Wilson, which Applicant does not concede, a person of ordinary skill

in the art would certainly not have been motivated to combine the teachings of Loeffler and Wilson in a manner to achieve Applicant's claimed system. According to Loeffler, Loeffler's balloon expandable stent delivery system addresses the need for a mechanism for perfusing blood during delivery of a balloon-expandable stent at a deployment site. (See, e.g., Loeffler, col. 3, lines 36-38). Apparently, this need arises because the flow of blood in the artery or vessel being treated is occluded by the expansion of a balloon during deployment of the stent using Loeffler's system. (See, e.g., id., col. 2, lines 55-57). There is no indication in any of the cited references, however, that self-expanding stent delivery systems, such as those described in Wilson, occlude vessels to an extent that requires perfusion of blood through the system, or to an extent that would render perfusion beneficial to the use of self-expanding stent delivery systems. For at least this reason, a person of ordinary skill in the art would not have been motivated to combine the teachings of Loeffler and Wilson in a manner to achieve Applicant's claimed system.

In view of the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejection of claims 5 and 16 as being unpatentable over Loeffler in view of Wilson.

Claims 44-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton (U.S. Patent No. 5,830,181). Claims 44 and 45 cover guide catheters that have at least one orifice being at most about 100 millimeters from a distal end of the guide catheter. Thornton does not disclose or suggest each and every limitation of these claims.

Thornton describes a perfusion dilatation catheter that includes a dilatation balloon on a shaft. (See, e.g., Thornton, col. 2, line 65 – col. 3, line 3). Thornton's dilatation catheter includes a proximal portion with perfusion ports. (See, e.g., Thornton, col. 3, lines 41-46). Thornton does not disclose a guide catheter, as required by claims 44 and 45. Rather, as noted above, Thornton is directed to a dilatation balloon catheter. Moreover, Thornton does not suggest in any way that it would be beneficial to modify a guide catheter to include perfusion ports like those provided in Thornton's perfusion dilatation balloon catheter. Further, even if a person of ordinary skill in the art were motivated to modify a guide catheter to include perfusion ports like those provided in Thornton's perfusion dilatation balloon catheter, the result would not

be the guide catheter of Applicant's claims 44 and 45. For example, the resulting guide catheter would not have at least one orifice being at most about 100 millimeters from a distal end of the guide catheter. Thornton neither discloses nor suggests that his perfusion ports are arranged at such a distance from the distal end of his catheter. And, while the Examiner contended that it would have been an obvious matter of design choice to modify Thornton's catheter to locate his perfusion port within such a distance from the distal end of his catheter, the Examiner set forth no motivation, other than impermissibly relying on Applicant's own application, for making such a modification.

In view of the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejection of claims 44 and 45 as being unpatentable in view of Thornton.

Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 10527-525001.

Respectfully submitted,

Date: February 27, 2007

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